

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE, EASTERN DIVISION**

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**DEBBIE BARRETT;  
CRYSTAL WALFORD;  
SONJA LEFLER; SHARON SKUFCA;  
MISTY YERBY; DANA MCFALL;  
SHEILA WILKERSON; VALERIE  
KINNEY; RHONDA KELLEY;  
BRANDON GARRARD; GREGORY  
CHERRY; BRIAN BOERSMA; MICHAEL  
RISNER; JEREMY HURST; and JAMES  
CUMMINGS,**

**Plaintiffs**

**v.**

**No.: 1:05-cv1140 T/AN**

**HARDIN COUNTY, TENNESSEE,**

**Defendant.**

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**ORDER ON FAIRNESS HEARING, ORDER APPROVING SETTLEMENT OF CLASS  
ACTION**

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This cause came to be heard on Thursday, December 15, 2005, upon the parties' joint motion for the court to conduct a fairness hearing in accordance with Rule 23(e) of the Federal Rules of Civil Procedure, and to approve the settlement agreement executed by the parties.

**IT APPEARING TO THE COURT**, that several inmates incarcerated in the Hardin County Jail filed suit against Hardin County, alleging conditions violated the Tennessee and United States Constitution. The suit was removed by Hardin County, Tennessee to the United States District Court.

**IT FURTHER APPEARING TO THE COURT**, that subsequently the parties consented to certify this matter as a class action suit for injunctive relief purposes only, in

**WESTERN DISTRICT OF TN**

**FILED IN OPEN COURT:**

**DATE:** 12/15/05

**TIME:** 9:25 a.m.

**INITIALS:** lu

accordance with Rule 23(b)(2) of the Federal Rules of Civil Procedure. The class was defined as “all persons who are presently, or in the future will be, incarcerated in the Hardin County Jail.”

**IT FURTHER APPEARING TO THE COURT**, that the parties have negotiated a settlement agreement in this matter, executed on October 17, 2005, which requires the building of a new jail facility, and imposes several policy and procedure changes. The parties also requested the Court conduct a fairness hearing in accordance with Rule 23(e) of the Federal Rules of Civil Procedure.

**IT FURTHER APPEARING TO THE COURT**, based upon the testimony of Sheriff Samuel Davidson, and the statements of counsel, that reasonable notice of this hearing was provided to class members by the Sheriff placing copies of the approved notice and copies of the settlement agreement in all cells in the Hardin County Jail on Monday November 14, 2005. Furthermore, on that same day, counsel for the inmates went to the Hardin County Jail and explained to all the inmates the contents of the settlement agreement, and advised them of their right to raise in writing any concerns they might have about the settlement.

**IT FURTHER APPEARING TO THE COURT**, that in addition to posting two copies of the notice and settlement agreement in each cell, the Sheriff additionally posted copies of the notice and settlement agreement in two conspicuous places in the jail, which remain posted from November 14, 2005 through December 7, 2005.

**IT FURTHER APPEARING TO THE COURT**, that all objections to the proposed settlement have been copied and transmitted to the court and parties for review.

**IT FURTHER APPEARING TO THE COURT**, that based upon the testimony of Correctional Expert, Charles Glover Fisher, that the settlement is reasonable, adequate, and fair to all class members.

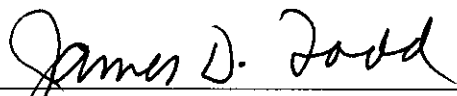
**IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, that:**

1. The Court find that reasonable notice of the settlement hearing, and a reasonable opportunity to object to the settlement agreement was provided to the inmate class by the parties;

2. The Court finds that the settlement agreement executed by the parties on October 17, 2005, is fair and reasonable to all members of the class, in accordance with Rule 23(e) of the Federal Rules of Civil Procedure.

3. The Court approves the settlement agreement executed by the parties in this cause. The court shall require the parties to provide a status report to the court every six (6) months as to the progress of the building of the new jail facility, and implementation of the settlement agreement.

It is so ordered, this 15<sup>th</sup> day of December, 2005

  
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Honorable James D. Todd  
United States District Judge



## Notice of Distribution

This notice confirms a copy of the document docketed as number 20 in case 1:05-CV-01140 was distributed by fax, mail, or direct printing on December 16, 2005 to the parties listed.

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Honorable James Todd  
US DISTRICT COURT